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EXAMINER				
DANIEL JR, WILLIE J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/849,715

Applicant(s)

KIRBAS ET AL.

Examiner

WILLIE J. DANIEL JR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-43, 45, 46, 48 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-43, 45, 46, 48 and 55-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This action is in response to applicant's RCE amendment filed on 09 March 2009. **Claims 41-43, 45-46, 48, and 55-58** are now pending in the present application and **claims 1-40, 44, 47, and 49-54** are canceled. This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 March 2009 has been entered.

Claim Objections

3. The objection applied to the claim 46 is withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-43, 45-46, 48, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Irvin (US 6,556,819 B2)**.

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed “wireless communication device” (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a current GPS location (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming,

based on the current location (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

accessing a list of area codes (e.g., phone number - home system or prohibited) stored in memory (58) of the wireless communication device (28) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 ‘ref. 84’), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 ‘ref. 92’ and 6a ‘ref. 124 & 128’) and where incoming or outgoing

calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

determining whether a phone call placed to a user-inputted phone number will incur a charge based on an evaluation of at least the current physical location (74, 76, 78, 80) of the wireless communication device (28), the list, and an area code of the user-inputted phone number (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize; and

permitting placement of the phone call to the received phone number only if the phone call is authorized (e.g., home system) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list of area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...the number entered is compared...the area code and the

dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes..." (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose having the feature(s) receiving a current GPS location from a GPS functional device contained within the wireless communication device; based on the current GPS location. However, the examiner maintains that the feature(s) receiving a current GPS location from a GPS functional device contained within the wireless communication device; based on the current GPS location was well known in the art, as taught by Irvin.

In the same field of endeavor, Irvin discloses the feature(s) receiving a current GPS location from the GPS functional device (160) contained within the mobile communication terminal (100) which reads on the claimed "wireless communication device" (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

based on the current GPS location (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100). As a note, Irvin at the least further discloses the feature(s) accessing a list of area codes (i.e., digit) stored in memory (170) of the wireless communication device (100) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones; a phone call placed (i.e., dialing) to a user-inputted phone number (i.e., digit) (see col. 3, lines 23-27, 37-42; col. 4, lines 22-28), where the user dials numbers (e.g., input numbers or digit string) using the keypad (108) of the mobile communication terminal (100) which is a typical process when making a phone call using a telephone (e.g., cellular phone); and permitting placement (i.e., dialing) of the phone call to the received

phone number (i.e., digit) only if the phone call is authorized (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones. In addition, the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) receiving a current GPS location from a GPS functional device contained within the wireless communication device; based on the current GPS location, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 42**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the determining the phone call will incur a charge comprises if the phone call will incur a charge based on a relative position between the wireless communication device (28) and a location (e.g., home system or roaming) of the area code of the phone number (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an

area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 43**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the user-inputted phone number is entered by a user through a user interface (e.g., call initiator 36) of the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 45**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, further comprising:

blocking placement of the phone call to the user-inputted phone number if the area code of the user-inputted phone number matches at least one of a plurality of unauthorized (e.g., prohibited) area codes of the list (e.g., phone number) and the current physical location of the wireless communication device (28) matches a predetermined location (see col. 7, lines 38-40; col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 2-4, 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and

location stored in memory (58), and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82') as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84') and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

a user interface (e.g., call initiator 36) accepting a phone number of an attempted phone call from the wireless communication device (28) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

the phone number having an inputted area code (e.g., phone number) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed "controller" connected to the memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)

determine whether the attempted phone call will incur a charge based on an evaluation of at least the inputted area code (e.g., phone number) (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11;

col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the current physical location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), and

the list comprising area codes (e.g., phone number - home system or prohibited) stored in memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'),

wherein the controller is further configured to permit placement of the phone call only if the phone call is authorized (e.g., home system) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location in which the would not accrue a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list of area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 ‘ref. 82’), Rodriguez at the least explicitly discloses “...*the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...*” (see Rodriguez - col. 8, lines 1 et seq.)). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current physical location. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current physical location was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) a global positioning system (GPS) device (160) for determining a current physical location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

a control unit (102) which reads on the claimed “controller” connected to the GPS device (160) (see Fig. 2),

the controller (102) configured to determine the current physical location (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100). As additional support, Irvin at the least further discloses having the feature(s) a memory (170) for storing a list comprising area codes (i.e., digit) (see

col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones; a controller (102) connected to the memory (150, 170), the user interface (108) (see Fig. 2), where the terminal has a transmitter 120 and receiver 140); and wherein the controller is further configured to permit placement (i.e., dialing) of the phone call only if the phone call is authorized (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones. In addition, the control unit compares the terminal (100) to the safe zones (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460") and the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current physical location from the GPS device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 48**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless communication device of claim 46, wherein at least one of a

plurality of unauthorized area codes is stored in the memory (58) (see col. 5, lines 51-54; col. 7, lines 38-40; Figs. 2-4); and

wherein the controller (54) blocks the outgoing call if the at least one of the plurality of unauthorized area code matches the inputted area code and the current physical location of the wireless communication device matches a predetermined physical location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location stored in memory (58) in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Regarding **claim 55**, Schmidt discloses every limitation claimed as applied above in claim 46. Schmidt does not specifically disclose having the feature(s) wherein the current GPS location is an absolute GPS position. However, the examiner maintains that the feature(s) wherein the current GPS location is an absolute GPS position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current GPS location is an absolute GPS position (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) wherein the current GPS location is an absolute GPS position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 56**, Schmidt discloses every limitation claimed as applied above in claim 46. Schmidt does not specifically disclose having the feature(s) wherein the current GPS location is a relative GPS position. However, the examiner maintains that the feature(s) wherein the current GPS location is an absolute GPS position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current GPS location is a relative GPS position (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100) relative to safe zones.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt (as supported by Rodriguez) and Irvin to have the feature(s) wherein the current GPS location is an relative GPS position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Irvin (US 6,556,819 B2)** as applied to claim 41 above, and further in view of Admitted prior art (**MPEP 2144.03**).

Regarding **claim 57**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature local toll charges.

However, the examiner takes official notice of the fact that it was well known in the art to have the feature local toll charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature local toll charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., local toll charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt (as supported by Rodriguez) and Irvin by specifically having the feature local toll charges, for the purpose of having local toll charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Regarding **claim 58**, the combination of Schmidt (as supported by Rodriguez) and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature long distance charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature long distance charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature long distance charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., long distance charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt (as supported by Rodriguez) and Irvin by specifically having the feature long distance charges, for the purpose of having long distance

charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** with evidentiary support by **Rodriguez (US 7,212,802 B1)** in view of **Agness et al.** (hereinafter Agness) (**US 6,799,052 B1**).

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed “wireless communication device” (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a current GPS location (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming,

based on the current location (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

accessing a list of area codes (e.g., phone number - home system or prohibited) stored in memory (58) of the wireless communication device (28) (see col. 6, lines 15-16; col. 7, lines 46-59, 27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 ‘ref. 84’), where the determinator (40)

provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

determining whether a phone call placed to a user-inputted phone number will incur a charge based on an evaluation of at least the current physical location (74, 76, 78, 80) of the wireless communication device (28), the list, and an area code of the user-inputted phone number (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize; and

permitting placement of the phone call to the received phone number only if the phone call is authorized (e.g., home system) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list of area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11, 42-44; Fig. 5 ‘ref. 82’), Rodriguez at the least explicitly discloses “...the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes...” (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose having the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; based on the current GPS location. However, the examiner maintains that the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; based on current GPS location was well known in the art, as taught by Agness.

In the same field of endeavor, Agness discloses the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device (45) contained within the mobile communication terminal (cell phone 13) which reads on the claimed “wireless communication device”; based on current GPS location (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; based on current GPS location, in order to provide a transmission inhibit for digital hand-held cell phones when at

specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a memory (58) for storing a list comprising area codes (e.g., phone number - home system or prohibited) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84') and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

a user interface (e.g., call initiator 36) accepting a phone number of an attempted phone call from the wireless communication device (28) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

the phone number having an inputted area code (e.g., phone number) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed "controller" connected to the memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)

determine whether the attempted phone call will incur a charge based on an evaluation of at least the inputted area code (e.g., phone number) (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory (58) stores phone numbers in a phone book, and where the user of the mobile station (28) is able to dial phone numbers to originate a call to another communication device in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2 & 5 'ref. 82'), and where the phone numbers and the associated information are considered acceptable and independent of location in which the will in a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize,

the current physical location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the

determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), and

the list comprising area codes (e.g., phone number - home system or prohibited) stored in memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'),

wherein the controller is further configured to permit placement of the phone call only if the phone call is authorized (e.g., home system) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location in which the would not accrue a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

As further support of Schmidt disclosing of the claim feature a list of area codes (e.g., phone number) (see col. 5, lines 50-54; col. 7, lines 9-11,42-44; Fig. 5 'ref. 82'), Rodriguez at the least explicitly discloses "...the number entered is compared...the area code and the dialing prefix, i.e., the first 3 of 7 numbers...compared to a set of authorized pairs of area codes..." (see Rodriguez - col. 8, lines 1 et seq.]). Schmidt does not specifically disclose

having the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS, the controller configured to determine the current physical location. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to determine the current physical location was well known in the art, as taught by Agness.

Agness further discloses the feature(s) a global positioning system (GPS) device (45) for determining a current physical location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed "controller" connected to the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2);

the controller (43) configured to determine the current physical location from the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature(s) a controller connected to the GPS device, the controller configured to determine the current physical location, in order to provide a transmission inhibit for digital hand-held

cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Response to Arguments

5. Applicant's arguments with respect to claims 41-43, 45-46, 48, and 55-58 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

6. Regarding claims 57-58, the applicant did not traverse the Examiner's assertion of official notice stated in the action mailed 06 January 2009, 08 July 2008, and 05 March 2008. As a result, the Examiner's statement is hereby taken to be well-known admitted prior art or common knowledge because the applicant failed to traverse the Examiner's assertion of official notice. Therefore, the applicant must agree with the Examiner's assertion of official notice.
7. The Examiner requests applicant to provide support (e.g., page(s), line(s), and drawing(s) as well as comments) for the amended claim language and any further amended claim language.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD, Jr/

WJD,Jr
26 March 2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617